



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 28 2018

REPLY TO THE ATTENTION OF:

ATTORNEY/CLIENT PRIVILEGE

MEMORANDUM

SUBJECT: Justification to Issue a Section 114 Request for Information to Lafarge North America, Inc., Paulding, Ohio

FROM: Charles Hall, Environmental Engineer
Air Enforcement and Compliance Assurance Section (MN/OH)

THRU: Brian Dickens, Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

TO: Maria Gonzalez, Associate Regional Counsel
Office of Regional Counsel

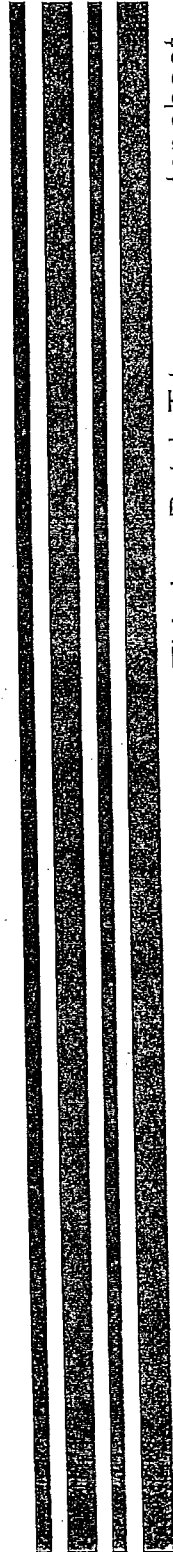
Lafarge North America, Inc. (Lafarge) owns and operates two hazardous waste burning cement kilns in Paulding, Ohio. The kilns are subject to, among other things, the National Emission Standard for Hazardous Air Pollutants from Hazardous Waste Combustors (hereinafter, the HWC MACT). The attached Clean Air Act Section 114 Request for Information asks Lafarge to submit certain information regarding its continuous emission monitoring system (CEMS) and continuous parameter monitoring system (CPMS). In short, we are seeking to determine whether Lafarge is operating its CEMS and CPMS properly and whether Lafarge is calibrating the CEMS and CPMS in a manner consistent with its stated procedures. On December 8, 2016, we sent an information request to Lafarge. After reviewing its response, we are following up with this request to collect and evaluate post-December 8, 2016 data and potential defenses.

I certify that I have created a hard copy file for this investigation.

State Representative Contacted: J. KAVALIC

Date: 8/28/18

By: B. Dickens



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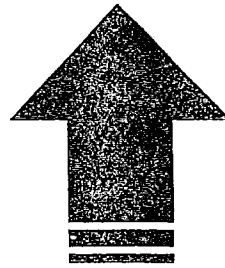
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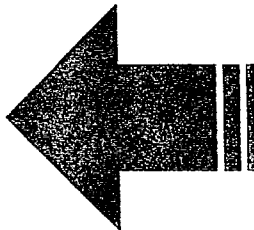
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Lafarge North America Inc.
11435 County Road 176
Paulding, Ohio 45879-8834

ATTENTION: Robert Pitt
Plant Manager

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Lafarge North America Inc. (Lafarge or you) to submit certain information about the facility at 11435 County Road 176, Paulding, Ohio. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Lafarge owns and operates emission sources at the Paulding, Ohio, facility. We are requesting this information to determine whether your emission source is complying with the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors at 40 C.F.R. Part 63, Subpart EEE (hereinafter, the HWC MACT).

Lafarge must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Lafarge must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

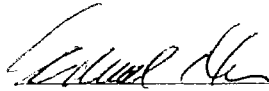
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Lafarge to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Charles Hall at (312) 353-3443 or hall.charles@epa.gov.

7/6/13
Date



Edward Nam
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the HWC MACT.

Appendix B

Information You Are Required to Submit to EPA

Lafarge must submit the following information pursuant to Section 114(a) of the CAA,

42 U.S.C. § 7414(a) within 30 calendar days:

1. Provide the 1-hour rolling average CO concentration in parts per million, dry and corrected to 7 percent oxygen (ppmV,d @ 7% O₂) for each hazardous waste burning cement kiln at the Facility from December 9, 2016, to the date of this request. Lafarge may submit the monitoring data on a compact disk or thumb drive in Excel2013 or Plain Text format.
2. Provide the 1-minute average CO concentration in ppmV,d @ 7% O₂, the 1-minute total hazardous waste feed rate for each hazardous waste burning cement kiln, and the 1-minute pumpable hazardous waste feed rate for each hazardous waste burning cement kiln at the Facility from December 9, 2016, to the date of this request. Lafarge may submit the monitoring data on a compact disk or thumb drive in Excel2013 or Plain Text format.
3. For each 1-hour rolling average carbon monoxide (CO) concentration greater than 100 ppmV,d @7% O₂, from January 1, 2014, to the date of this request, state: a) whether hazardous waste was in the combustion chamber (i.e., the hazardous waste feed to the combustor had not been cut off for a period of time greater than the hazardous waste residence time); and b) whether Lafarge documented in its operating record that it was complying with all otherwise applicable requirements and standards promulgated under the authority of CAA Section 112, 42 U.S.C. § 7412, (e.g., 40 C.F.R. Part 63, Subpart LLL) or CAA 129, 42 U.S.C. § 7429, in lieu of the emission standards under 40 C.F.R. §§ 63.1204 and 63.1220; the monitoring and compliance standards of 40 C.F.R. §§ 63.1206 through 63.1209, except the modes of operation requirements of 40 C.F.R. § 63.1209(q); and the notification, reporting, and recordkeeping requirements of 40 C.F.R. §§ 63.1210 through 63.1212.
4. Identify periods of malfunction, as defined in 40 C.F.R. § 63.2, for each hazardous waste burning cement kiln at the Facility from January 1, 2014, to the date of this request. Identify periods of startup or shutdown, as defined in 40 C.F.R. § 63.2, for each hazardous waste burning cement kiln at the Facility from December 8, 2016, to the date of this request.
5. Provide a copy of each Corrective Measures report required by 40 C.F.R. § 63.1206(c)(3)(v) from December 9, 2016, to the date of this request unless already submitted to U.S. EPA.

6. Provide a copy of each excessive exceedance report required under 40 C.F.R. § 63.1206(c)(3)(vi) dated from December 9, 2016, to the date of this request unless already submitted to U.S. EPA.
7. For the operating parameter limits (OPLs) listed below, provide the 1-minute average operating parameter monitoring data from January 1, 2014, to the date of this request:
- a. Minimum Combustion Zone Temperature, degrees Celsius ($^{\circ}\text{C}$);
 - b. Maximum Production Rate, tons per hour
 - c. Maximum Pumpable and Total Fuel Quality Waste Feed Rate, tons of waste per hour;
 - d. Maximum Flue Gas Temperature at the Baghouse Inlet, $^{\circ}\text{C}$;
 - e. Maximum As-Fired Mercury Feed Rate, parts per million by weight (ppmW);
 - f. Maximum Mercury Feed Rate, pounds of mercury per hour (lbs Hg/hr.);
 - g. Maximum Semivolatile Metal (SVM) Feed Rate, pounds of SVM per million British Thermal Unit, (lbs SVM/mmBTU);
 - h. Maximum SVM Feed Rate, pounds of SVM per hour (lbs SVM/hr.);
 - i. Maximum Low Volatile Metal (LVM) Feed Rate, pounds of LVM per million British Thermal Unit (lbs LVM/mmBTU);
 - j. Maximum LVM Feed Rate, pounds of LVM per hour (lbs LVM/hr.); and
 - k. Maximum Total Chlorine and Chloride Feed Rate, pounds of chloride ion (Cl^{-}) per hour (lbs Cl^{-} /hr.).

Lafarge may submit the monitoring data on a compact disk or thumb drive in Excel or Plain Text format.

8. For the OPLs listed below, provide the 1-hour or 12-hour rolling average (depending on the parameter's averaging time) operating parameter monitoring data from January 1, 2014, to the date of this request:
- a. Minimum Combustion Zone Temperature, $^{\circ}\text{C}$;
 - b. Maximum Production Rate, tons per hour
 - c. Maximum Pumpable and Total Fuel Quality Waste Feed Rate, tons of waste per hour;
 - d. Maximum Flue Gas Temperature at the Baghouse Inlet, $^{\circ}\text{C}$;
 - e. Maximum As-Fired Mercury Feed Rate, ppmW;
 - f. Maximum Mercury Feed Rate, lbs Hg/hr.;
 - g. Maximum SVM Feed Rate, lbs SVM/mmBTU;
 - h. Maximum SVM Feed Rate, lbs SVM/hr.;
 - i. Maximum LVM Feed Rate, lbs LVM/mmBTU;
 - j. Maximum LVM Feed Rate, lbs LVM/hr.; and
 - k. Maximum Total Chlorine and Chloride Feed Rate, lbs Cl^{-} /hr.

Lafarge may submit the monitoring data on a compact disk or thumb drive in Excel2013 or Plain Text format.

9. Pursuant to 40 C.F.R. 63.1209(j)(4), Lafarge must specify operating parameters and limits to ensure that good operation of each hazardous waste firing system is maintained.

Identify the operating parameter(s) and its(their) limit(s) (including averaging time) that Lafarge specified to comply with this requirement from January 1, 2014, to the date of this request.

10. For the OPL(s) identified in response to question 9, provide operating parameter monitoring data (at the specified averaging time) from January 1, 2014, to the date of this request. Lafarge may submit the monitoring data on a compact disk or thumb drive in Excel2013 or Plain Text format.
11. Identify the continuous parameter monitoring system (CPMS) instrument that Lafarge uses to monitor each OPL listed in response to question 9, above.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show: that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

Standard bcc's: Official File Copy w/Attachment (s)
Originating Organization Reading File w/Attachment(s)
Other bcc's: M. Gonzalez, C-14J

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Legend:	ARD:AECAB:AECAS(MN/OH):c.hall

CERTIFICATE OF MAILING

I, Kathy, certify that I sent a Request to Provide Information Pursuant to the
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Robert Pitt
Plant Manager
Lafarge North America Inc.
11435 County Road 176
Paulding, Ohio 45879-8834

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by electronic mail to:

Bob Hodanbosi
Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Robert.Hodanbosi@epa.ohio.gov

Tom Sattler
Air Pollution Control Supervisor
Ohio Environmental Protection Agency
Northwest District Office
Tom.Sattler@epa.ohio.gov

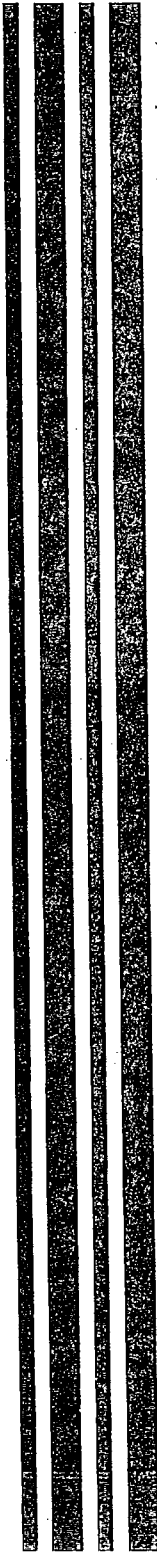
James Kavalec
Manager, Compliance and Enforcement
James.Kavalec@epa.ohio.gov

on the 7th day of September 2018

Kathy Jones

Kathy Jones, Program Technician
AECAB, PAS

Certified Mail Receipt Number: 7017 6530 0000 6289 1634



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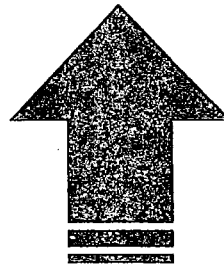


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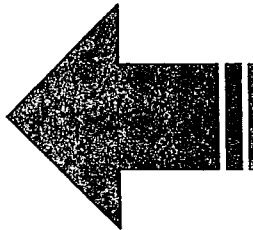
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 29 2018

REPLY TO THE ATTENTION OF:


ATTORNEY/CLIENT PRIVILEGE

MEMORANDUM

SUBJECT: Justification to Issue a Section 208 Request for Information
to Genesee & Wyoming Railroad Corporation (G&W)

FROM: Ethan Chatfield, Environmental Engineer
Air Enforcement and Compliance Assurance Section (IL/IN)

Cody Yarbrough, Environmental Engineer
Air Enforcement and Compliance Assurance Section (MN/OH)

THRU: Nathan Frank, Chief 
Air Enforcement and Compliance Assurance Section (IL/IN)

TO: Andre Daugavietis, Associate Regional Counsel
Office of Regional Counsel

On June 4, 2018, EPA Region 5 sent a Section 208 Information Request to Genesee & Wyoming Inc. (GWI) to determine if GWI was subject to and believed they were subject to 40 C.F.R. §1033 (Control of Emissions from Locomotives). Upon review of the Section 208 response, it appears clear that GWI is neither exempt, nor contend they are exempt in the response. Region 5 is therefore proposing to issue the attached follow-up information request to gather detailed information on GWI's fleet of 877 locomotives across the country. In the June 2018 request, GWI stated that only 142 of the 877 (or just over 16%) locomotives currently have been remanufactured. Based on R5's limited experience, this number seems unusually low.

This information request does not require emissions testing or sampling.

I certify that I have created a hard copy file for this investigation.

State Representative Contacted: Not Applicable since company operates nationally

Date: NA

By: NA